

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1946 OF 2024**

Paul Chikwu	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Dilip Mishra i/by Zehra Charania, Arfa Shaikh and Ayaz Khan, *for the Applicant.*
Ms. Anuja S. Gotad, *APP for the Respondent - State.*
API – Pallavi Dhagepatil, EOW, Wagle Division – 5, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 04TH FEBRUARY 2026

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No. 103 of 2023 dated 29th March, 2023 registered with the Kasarvadavli Police Station, for the offences punishable under Sections 8(c), 2(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS').

2. The case of the prosecution, in brief, is that on receipt of secret information, the officials of the police station acted upon the said information and apprehended the Applicant. After following the due procedure prescribed under the NDPS Act, they conducted a search of the Applicant and recovered 32 grams of Cocaine and 22 LSD blots from his possession. Pursuant to registration of the FIR against the Applicant, the Applicant came to be arrested on 28th March, 2023.

3. The Applicant made an Application seeking bail before the Special Judge (NDPS), Thane, however, by order dated 7th February, 2024, the said application was rejected. Hence, the Applicant has filed the present Bail Application for the relief as prayed.

4. Mr. Mishra, learned counsel for the Applicant, advanced a significant argument. He submits that the quantity of Cocaine allegedly recovered from the possession of the Applicant is 32 grams, whereas the commercial quantity

prescribed is 100 grams. He further submits that the bulk of LSD recovered from the Applicant was marked as 'B', and the receipt of the said sample of the contraband record that the FSL has received 'B1'. The quantity received by the FSL is entire bulk of LSD and not a sample. Hence, Mr. Mishra submits that the marking on the entire bulk of contraband containing LSD ought to have been marked also as 'B' instead of 'B1'. This discrepancy, according to him, lends a doubt on the credibility on the contraband sent by the police to the FSL for chemical analysis. On this ground, Mr. Mishra prays that the Applicant be enlarged on bail.

5. Ms. Gotad, learned APP representing the State, submits that save and except and this particular discrepancy, there is no material on record to indicate that the Applicant has not committed the said offence. She submits that, in fact, the contraband was recovered from his person. She also points to the antecedents of the Applicant. She submits that there is a criminal antecedent against the Applicant registered

with the Khar Police Station. However, Mr. Mishra interjects to say that in the charge-sheet the police officials have not stated in the said CR pending against the present Applicant.

6. I have heard learned counsel for the respective parties and perused the record of the case with their assistance.

7. Despite Ms. Gotad submits regarding the antecedent of the Applicant, admittedly, no such antecedent is recorded in the charge-sheet. Moreover, the Applicant is in custody since 28th March, 2023, and charges have not been framed as on date. Additionally, the discrepancy regarding marking of the contraband seized from the Applicant and that sent to the FSL for chemical analysis are significantly distinct. *Prima facie* it appears that the Applicant may not have committed the alleged offence.

8. In view of the aforesaid, I am inclined to enlarge the Applicant on bail. It is accordingly ordered as under:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;
- iii) The Applicant shall also attend the Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m., till the charges are framed;
- iv) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;
- v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

9. Application is allowed in the above terms and is accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)